

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Jason A. Cambron,

Plaintiff,

vs.

Lieutenant Riley of Hill-Finklea Detention  
Center, et. al.,

Defendants.

Civil Action No. 3:10-cv-2334-RMG-JRM

**ORDER**

Plaintiff brought this *pro se* action and this case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b) and the Local Rules. The Magistrate Judge recommended denying Plaintiff's motion for default judgment (Dkt. No. 24). Plaintiff has failed to object to the R&R. As shown herein, this Court has reviewed the Record for any errors of law and agrees with the Magistrate Judge's report.

**Discussion**

The magistrate judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.*

Here, the Plaintiff claims the Defendants failed to timely respond to the Complaint. However, the Record shows that the Summons and Complaint were served on January 14, 2011 and that Defendants answered on February 4, 2011. Therefore, Defendants timely answered within twenty-one (21) days as provided by Rule 12(a)(1)(A)(i) of the Federal Rules.

**Conclusion**

Accordingly, Plaintiff's motion for default judgment (Dkt. No. 17) is denied.

**AND IT IS SO ORDERED.**

  
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Richard Mark Gergel  
United States District Court Judge

April 18, 2011  
Charleston, South Carolina